

REMARKS

By this paper, Applicant has amended Claims 1, 2, 24, 26, 33, and 35. Hence, Claims 1-48 are pending in this application. Applicant respectfully requests entry of the foregoing amendments and following remarks.

Claim Rejections under 35 U.S.C. 103(a)

Claims 1-21, 24-32 and 35-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Donohoe (U.S. Patent No. 5,737,123) and Curtis et al. (U.S. Patent No. 5,299,766) and Simon (U.S. Patent No. 2001/0027560 A1).

Claims 33-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Donohoe and Simon.

Claims 22-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Donohoe and Curtis and Simon and Tajima (U.S. Patent No. 7,034,902 B2).

Applicant respectfully submits that pending Claims 1-48 are allowable over the prior art of record as discussed below.

Independent Claims

Independent Claim 1

Independent Claim 1 recites, *inter alia*, “a rail configured to be attached to the surface ... the rail being configured to receive each of the modules ... wherein the modules are positioned above or below the display device and within the vertical bounds of the display device ... wherein the surface comprises the outer surface of a wall.” Applicant respectfully submits that neither Donohoe, Curtis, Simon, nor Tajima, alone or in combination, teaches or suggests at least the above-indicated features.

Donohoe generally discloses an adjustable-aspect ratio video projection viewing screen assembly (Abstract). The assembly 18 may be made with or without speakers (Column 4, lines 63-64). FIG. 4B, produced below, shows the placement of the speakers in Donohoe.

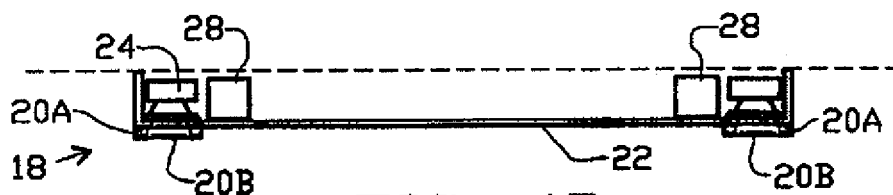


FIG. 4B

As shown in FIG. 4B, the speakers 24 of Donohoe are placed behind panel region 20b, which is beyond the width of the viewing screen 22. Further, as shown in FIG. 4A, the placement of the speakers behind panel region 20b would cause the speakers 24 to be within the horizontal bounds of the viewing screen 22. Accordingly, Donohoe discloses speakers 24 positioned at the same level as the viewing screen 22. Further, Donohoe discloses speakers 24 placed on either side of viewing screen 22. Accordingly, Donohoe does not teach or suggest all of the features of Claim 1. Further, it is unclear how Donohoe could be modified to include the features of Claim 1. Donohoe specifically teaches panel regions 20b on the side of the viewing screen 22 so as to adjust the size of the viewing screen 22. Further, the only area where speakers 24 could be placed so as to emit sound properly is behind panel regions 20b. Therefore, the only position that speakers can be placed in Donohoe is as disclosed.

Further, the Examiner acknowledges that Donohoe fails to disclose having a rail configured to be attached to the surface via at least one of a plurality of openings disposed along the rails, and relies on Curtis to cure this deficiency. Accordingly, Donohoe does not disclose the surface to which the rail is attached being the outer surface of a wall. Further, Curtis at most discloses elongate clamping bars 14 disposed on the *inside* of a wall covering. (Column 3, lines 29-32; Fig. 1). Accordingly, Curtis fails to disclose a rail being attached to the *outer* surface of a wall. Therefore, the combination of Curtis and Donohoe fail to teach or suggest all of the features of Claim 1. The remaining applied prior art does not cure these deficiencies in Donohoe and Curtis. Therefore, the combination of the prior art references does not teach or suggest all of the features of Claim 1.

Independent Claim 2

Independent Claim 2 recites, *inter alia*, “a modular mounting system for audio-visual components ... comprising” “a rail wherein the rail is configured to be attached to a surface other

than surfaces of the display device, wherein the surface comprises the outer surface of a wall, ... wherein the rail is configured to receive the module at a plurality of locations along the rail, wherein the module is positioned above or below the display device and within the vertical bounds of the display device.” Applicant respectfully submits that neither Donohoe, Curtis, Simon, nor Tajima, alone or in combination, teaches or suggests at least the above-indicated features.

As discussed above with respect to Claim 1, the cited art fails to teach or suggest a rail configured to be attached to the outer surface of a wall. The cited art further fails to teach or suggest the rail being configured to receive an audio-visual module, wherein the module is positioned above or below the display device and within the vertical bounds of the display device. Therefore, the combination of the prior art references does not teach or suggest all of the features of Claim 2.

Independent Claim 24

Independent Claim 24 recites, *inter alia*, “securing a rail to the surface, the surface comprising the outer surface of a wall; and connecting an audio-visual component to the rail, wherein the audio-visual component is positioned above or below the display device and within the vertical bounds of the display device.” Applicant respectfully submits that neither Donohoe, Curtis, Simon, nor Tajima, alone or in combination, teaches or suggests at least the above-indicated features.

As discussed above with respect to Claim 1, the cited art fails to teach or suggest securing a rail to the outer surface of a wall. The cited art further fails to teach or suggest connecting an audio-visual component to the rail, wherein the component is positioned above or below the display device and within the vertical bounds of the display device. Therefore, the combination of the prior art references does not teach or suggest all of the features of Claim 24.

Independent Claim 26

Independent Claim 26 recites, *inter alia*, “a rail wherein the rail is configured to only be attached to a surface other than surfaces of the display device and the housing of the display device, the surface comprising the outer surface of a wall, and wherein the rail is configured to

receive the modules, wherein the audio-visual modules are positioned above or below the display device and within the vertical bounds of the display device.” Applicant respectfully submits that neither Donohoe, Curtis, Simon, nor Tajima, alone or in combination, teaches or suggests at least the above-indicated features.

As discussed above with respect to Claim 1, the cited art fails to teach or suggest a rail configured to be attached to the outer surface of a wall. The cited art further fails to teach or suggest the rail being configured to receive an audio-visual module, wherein the module is positioned above or below the display device and within the vertical bounds of the display device. Therefore, the combination of the prior art references does not teach or suggest all of the features of Claim 26.

Independent Claim 33

Independent Claim 33 recites, *inter alia*, “a rail having mounting locations for audio-visual components and configured to be secured to an outer surface of the wall independent from the display device; and means for connecting an audio-visual component to multiple locations on the rail ..., wherein the component is positioned above or below the display device and within the vertical bounds of the display device.” Applicant respectfully submits that neither Donohoe, Curtis, Simon, nor Tajima, alone or in combination, teaches or suggests at least the above-indicated features.

As discussed above with respect to Claim 1, the cited art fails to teach or suggest a rail configured to be secured to the outer surface of a wall. The cited art further fails to teach or suggest means for connecting an audio-visual component to the rail, wherein the component is positioned above or below the display device and within the vertical bounds of the display device. Therefore, the combination of the prior art references does not teach or suggest all of the features of Claim 33.

Independent Claim 35

Independent Claim 33 recites, *inter alia*, “a rail configured to be secured to an outer surface of the wall independent from the display device and having a length no greater than the width of the display device ..., wherein each of the modules is configured to be attached to the

Application No.: 10/786,576
Filing Date: February 24, 2004

rail, ... wherein the modules are positioned above or below the display device and within the vertical bounds of the display device." Applicant respectfully submits that neither Donohoe, Curtis, Simon, nor Tajima, alone or in combination, teaches or suggests at least the above-indicated features.

As discussed above with respect to Claim 1, the cited art fails to teach or suggest a rail configured to be secured to the outer surface of a wall. The cited art further fails to teach or suggest audio-visual modules configured to be attached to the rail, wherein the modules are positioned above or below the display device and within the vertical bounds of the display device. Therefore, the combination of the prior art references does not teach or suggest all of the features of Claim 35.

Conclusion

As discussed above, each of independent Claims 1, 2, 24, 26, 33, and 35 include features not taught or suggested by the combination of the applied prior art. Accordingly, Applicant respectfully submits that each of independent Claims 1, 2, 24, 26, 33, and 35 are allowable over the applied prior art for at least the reasons stated above.

Dependent Claims

Dependent Claims 3-23, 25, 27-32, 34, and 36-48

Claims 3-23, 25, 27-32, 34, and 36-48 each depend from one of independent Claims 1, 2, 24, 26, 33, or 35, and further define additional features. In view of the patentability of their base claim, and in further view of the additional features, Applicant respectfully submits that the dependent claims are patentable over the applied prior art.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this

application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art discloses or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

Applicant has not presented all arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit evidence relating to secondary considerations supporting the non-obviousness of the apparatuses/methods recited by the pending claims.

Application No.: 10/786,576
Filing Date: February 24, 2004

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: October 20, 2009

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AMEND

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